

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

INTERSCOPE RECORDS, et al.,

Plaintiffs,

v.

DAWNELL AND DONALD LEADBETTER,

Defendants.

NO. C05-1149P

ORDER ON MOTION FOR LEAVE
TO FILE BRIEF AMICUS CURIAE

This matter comes before the Court on a “Motion for Leave to File Brief Amicus Curiae” by the Electronic Frontier Foundation (EFF). (Dkt. No. 92.) EFF seeks leave to file an amicus brief in support of Defendant Dawnell Leadbetter’s motion for attorney fees and costs. Having reviewed the materials submitted in support of and in opposition to this motion and the balance of the record, the Court finds and ORDERS as follows:

(1) The Court DENIES EFF’s Motion for Leave to File Brief Amicus Curiae. (Dkt. No. 92.) “There is no inherent right to file an amicus curiae brief with the Court,” although leave to appear as an amicus may be granted if the information offered is “timely and useful.” Long v. Coast Resorts, Inc., 49 F. Supp.2d 1177, 1178 (D. Nev. 1999). Here, Ms. Leadbetter is represented by competent counsel and the Court does not find that the EFF’s proposed amicus brief would be useful in resolving her motion for attorney fees and costs. As Plaintiffs note, EFF also appears to misapprehend certain aspects of the procedural history of this case, asserting in its motion for leave to file an amicus brief that Plaintiffs voluntarily dismissed their claims against Ms. Leadbetter with

1 prejudice (Dkt. No. 92 at 1), when in fact Plaintiffs' claims against Ms. Leadbetter were dismissed
2 without prejudice. (Dkt. No. 45 at 2.)

3 (2) Because the Court denies EFF's motion for leave to file an amicus brief, the Court
4 STRIKES as moot EFF's related motion for leave to file an overlength brief. (Dkt. No. 95.)

5 (3) The Clerk is directed to send copies of this order to all counsel of record and to
6 counsel for EFF.

7 Dated: July 24, 2007.

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9 s/Marsha J. Pechman
10 Marsha J. Pechman
11 United States District Judge
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